

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rodrigo JIMENEZ-Orozco,

Defendant(s)

Magistrate Case No. 08 MJ 0290

BY: *[Signature]*

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **January 31, 2008** within the Southern District of California, defendant **Rodrigo JIMENEZ-Orozco**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Nestor MANZANO-Canelo**, **Rigoberto RUIZ-Perez**, **Federico GUZMAN-Soriano**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]
SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF **FEBRUARY**, **2008**

[Signature]
Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Nestor MANZANO-Canelo, Rigoberto RUIZ-Perez, and Federico GUZMAN-Soriano** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On Thursday January 31, 2008 at approximately 9:00am, Patrol Agent in Charge J. Perez of the United States Border Patrol's Chula Vista Station observed a large group of suspected illegal aliens in an area commonly known as the "625 Saddle." This area is approximately two miles east of the Otay Mesa, California Port of Entry and half a mile north of the United States/Mexico International Boundary. This area is mountainous and remote with no residences or businesses anywhere in the vicinity; therefore, it is also notorious for the presence of undocumented aliens and their smugglers attempting to further their illegal entry into the United States.

Before approaching the group of suspected illegal aliens, Agent J. Perez observed two male subjects leading the group northbound. Believing that the two male subjects were the alien smuggling foot-guides, Agent J. Perez took particular attention of their appearance and clothing description. One subject was wearing a black jacket and black pants, and the other was wearing a brown shirt and black pants.

As Agent J. Perez was watching the group, the male subject dressed in black at the front of the group instructed the others to sit down. This was evident by the subject turning around to face the group, extending his arms toward them with his palms down and making an up/down motion with his arms. When the group was seated, the two lead subjects, crouched down and moved away from the group to scout the area.

When the two subjects were close enough, Agent J. Perez approached them, in his full Border Patrol uniform. Upon seeing Agent J. Perez, the two male subjects immediately turned around and ran toward Mexico. Agent J. Perez informed other agents in the field, via bureau radio, that he had encountered a large group of suspected illegal aliens and that the two male subjects he had observed guiding the group were fleeing back south toward Mexico through an area commonly known as "Gold Mine Canyon." Agent J. Perez then provided their current location, direction of travel, and clothing description.

Agent J. Perez approached the remaining members of the group, who were still seated and identified himself as a United States Border Patrol Agent. Agent J. Perez counted seventeen subjects and then conducted an immigration inspection. All seventeen subjects admitted to being citizens and nationals of Mexico, present in the United States without any immigration documents that would allow them to enter or remain in the United States legally. Agent J. Perez placed all seventeen individuals under arrest and had them transported to the United States Border Patrol's Chula Vista Station for processing.

Border Patrol Agent O. Perez was performing line-watch operations in a nearby location when he heard the two-way radio transmission by Agent Perez. Agent O. Perez responded to the south end of "Gold Mine Canyon" in an attempt to intercept the two male subjects that fled. Upon arrival to the area, Agent O. Perez observed two male subjects matching the descriptions walking toward his location. Agent O. Perez approached the two male subjects, identified himself as a United States Border Patrol Agent, and conducted an immigration interview on both. Both male subjects admitted to being citizens and nationals of Mexico present in the United States without any immigration documents allowing them to enter or remain in the United States legally. Both were placed under arrest and transportation to the Chula Vista station for processing.

CONTINUATION OF COMPLAINT:**Rodrigo JIMENEZ-Orozco****DEFENDANT STATEMENT:**

The defendant was advised of his Miranda Rights and stated he understood his rights and was willing to make a statement. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

The defendant freely admitted that he entered the United States illegally on today's date during the morning hours with a friend, but could not recall his name. When asked if his friend had been apprehended with the rest of the group, the defendant denied ever being with a group but that his friend had been arrested as well. When the defendant was informed that an Agent had witnessed him guiding the group, he stated that the agent was mistaken because it was not him.

The defendant was then confronted with his three previous apprehensions, to which he stated that life is difficult in Mexico and he is just trying to find a better quality of life in the United States. When the defendant was then informed that during one of his previous apprehensions, he was positively identified as an alien smuggling foot-guide through material witness statements and Border Patrol Agent observations, the defendant stated that the Agent and the material witnesses had lied.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Nestor MANZANO-Canelo, Rigoberto RUIZ-Perez, and Federico GUZMAN-Soriano** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. All the material witnesses stated that they made arrangements with the defendant in Baja California, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay a fee. All the material witnesses identified the defendant as the foot guide.